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According to the regulation and the directive concerning the People's tribunal for land reform[3] issued in 1951 by the Central-South China Military and Political Committee, the county and city tribunals were to be directly under the leadership of the People's governments concerned and to be a component part of the People's court of the respective level. People's tribunals were established in every two or three ch'ü and were given sole authority in dealing with criminal matters, including the authority to impose sentences of not more than five years' imprisonment. They also have the authority to prosecute counterrevolutionaries and to initiate arrests. The political character of the tribunal can be detected by the composition of the adjudication committee, composed of a president, a deputy, and several judges, half of which was to be appointed by the People's government and the rest "elected" by the People's representatives from public security, the Peasant's Association, and other mass organizations. Specifically, the county head in some cases and the ch'ü head in all cases were the presidents of the tribunals.

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Tribunals were rapidly organized during the land reform. By June 1951, there were 366 county tribunals and 1,841 ch'ü tribunals established in the Central-South Region, and 143,761 cases had been tried.[4] However, these figures fail to suggest

3. Text of both in Yangtze Daily, Feb. 1, 1951, p. 2, and ibid., July 29, 1951, p. 1.

4. Official record of Conference summarizing the work of People's tribunals in the Central-South Region, Yangtze Daily, June 12, 1951, p. 1, and ibid., July 13, 1951, p. 3.

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the violence and the intensity involved. The operation of these tribunals relied heavily on mass hysteria and mob hatred. The administration of the trials by Party functionaries insured the use of terror. When cases were heard, the judges of the People's tribunals bombarded the masses with propaganda. The masses were sufficiently agitated to denounce as reactionaries those whom the Party had previously singled out for prosecution. After mass emotion was aroused and denunciations were made, judgment was passed by the masses and sentence rendered at the instigation of the adjudication committee controlled by the Party. Such a mass trial could not avoid intimidation and violence toward the accused.

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During the Three-Anti and Five-Anti campaigns, People's tribunals were established by the directives of the Government Administration Council.[5] They were organized in the administrative units and in the armed forces. The president of the adjudication committee consequently was the leading figure. Members of the committee were activists representing various Party-controlled organizations. These tribunals were empowered to mete out death sentences. Such a practice illustrates the extent to which a judicial organ can be manipulated by the Communists for political purposes.

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5. Directive on the organization of the tribunals in Yangtze Daily, April 1, 1952, p. 1, and ibid., March 26, 1952, p. 1, respectively.

service after the Communists assumed control. 693
No doubt this figure was exaggerated by the Communists to illustrate the degree of influence of old-line workers, who were charged with corruption on various counts; cases involving them were reported to be as high as 80 per cent in Kwangtung.[10] This exaggerated percentage served to justify the Communist judicial reform.

In regard to the elimination of old judicial practices, the Communists attacked the old system[11] on four counts: (a) that the judiciary was a weapon employed by one class for the suppression of the opposing class; (b) that the exceedingly mechanical procedure of the old courts should be condemned as a bourgeois practice and was deemed unnecessary; (c) that the assumption of a purely legalistic approach to a case that does not reflect the economic and social relationship of the society was contrary to the socialist view of law; and (d) that the use of precedents for adjudication of a case should also be discarded as a bourgeois practice. 692 695

To stress the development of a new judicial system, the Communists introduced several innovations:[12] (a) the simplication of jurisdiction, the

10. Yangtze Daily, Sept. 12, 1952, p. 3.

11. Articles were found in the Yangtze Daily, Feb. 18, 1951, p. 3. and Li Kuang-ts'an, "P'i-p'ing Jen-min Fa-lü Ti Chiu-fa Kuan-tient" ["Criticizing the People's Law from the Old Jurisprudential View point"], Hsüeh-hsi, No. 7, Oct. 1, 1952, pp. 16-19.

12. Report of Chang Chih-i, Yangtze Daily, Sept. 26, 1952, p. 3.

reduction of appellant cases, and the concentration of judicial authority in the lower courts; (b) the adoption of adjudication committees and the administration of law by collegia; (c) the review and periodic check of non-appellant cases by the higher courts and the practice in the lower courts of seeking instructions from and reporting to the higher courts; (d) the conduct of circuit hearings; (e) the use of People's assessors, a system similar to the Western jury system, which includes representatives from various people's organizations; (f) the use of trials for cases involving disputes among Party members and workers in factories, offices, and enterprises; and (g) such new techniques as oral inquiries and on-the-spot investigations and the establishment of People's reception rooms and mediation committees as means of enlisting mass support as well as for the intimidation of the masses.

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3. The Third Stage After judicial reform, further effort was concentrated upon the establishment of the new system and the training of new cadre to fill the vacancies which resulted from large-scale liquidation of the former workers. In 1953, as a result of the second session of the All-China Judicial Conference, a directive was issued calling for the immediate training of 200 to 500 judicial workers and for the drafting of a training plan in each region.[13] Effort was made to strengthen judicial authority at the lower levels and to set up special courts in

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13. People's Daily, Sept. 10, 1953, p. 1.